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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,777	08/25/2003	Timi Soinio	944-1.109	4030
4955	7590	07/24/2006	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			BELL, SHELLY T	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/648,777	SOINIO, TIMI
	Examiner Shelly Bell	Art Unit 2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08/25/03.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/28/2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Open Alliance SyncML Protocol, version 1.0 07/12/00.

DETAILED ACTION

Specification

1. The specification is objected to because line 1 of paragraphs 30 and 32 contain hyperlinks. MPEP 608.01 states that embedded hyperlinks and/or other forms of browser-executable code are impermissible and require deletion.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "1011". This reference is labeled as "10" and "11" on the drawing sheets but as "1011" in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 25 is objected to for improper Markush language. In claim 25, the phrase "selected from the set consisting of" it should be modified to read "selected from the group consisting of".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5,9,12,17,21,24, 26-29 and their respective dependent claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 5 and 17, it is unclear what the predetermined procedure.

With respect to claims 9,12,21,24, by using the word "possibly" it is unclear whether or not the category branch referred to in these claims are partially harmonized.

Claims 10-11, 22-24, and 26-29 recite the limitation "device or "devices". There is insufficient antecedent basis for this limitation in the claims.

Claims 26-29 refer to individual components of previous claims, it is unclear what the limitation claims 26-29 encompass. It is recommended that the applicant choose and specify the devices and methods he is using to limit the dependent claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over SyncML Sync Protocol, version 1.0 July 12, 2000 (Hereinafter "SyncML") in view of US Patent 5303367 to Leenstra,Sr et al.(Hereinafter "Leenstra").

With respect to claims 1,13,26, and 30, SyncML discloses a method, apparatus, system, and computer program product for use in synchronizing a first item data store with a second item data store, (Section 1.2, explains syncML client and server) wherein when storing the items in the first item data store the items are assigned to categories in a first set of categories, and similarly for the second item data store (Section 2.6.2 database addressing, uses Uniform Resource Identifier (URI) which gives the identification or category), the method including: a step in which during a synchronization session a new data item already stored in the second item data store is selected or received for storing in the first item data store; (section 1.3 explains the sync methods including two-way sync where data stores exchange info).

SyncML fails to disclose a method, apparatus, system, and computer program product of claims 1,13,26 and 30, characterized in that: the new data item includes or is accompanied by a category indicator indicating at least two categories in a branch of a hierarchy of categories.

Leenstra teaches a method, apparatus, system, and computer program product characterized in that: the new data item includes or is accompanied by a category indicator indicating at least two categories in a branch of a hierarchy of categories (See fig. 4 of Leenstra hierarchy indicator.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the synchronization of SyncML with the indicator as taught by Leenstra.

The motivation for doing so would be to increase speed and flexibility (See lines 2-3 of the abstract of Leenstra).

6. With respect to claims 3 and 15 SyncML as applies to claim 1 discloses the method and apparatus wherein the first item data store and the second item data store are hosted by a single device(Section 1.3, explains synchronization using a one-way sync).

7. With respect to claims 4 and 16 as applies to claim 1 above, SyncML discloses the method and apparatus wherein the first item data store and the second item data store are hosted by respective different devices (Section 1.3, explains synchronization using a two-way sync).

8. With respect to claims 5,17,27 and 31 as applies to claims 1 and 13 above, SyncML discloses the method, apparatus, system, and computer program product wherein a synchronization agent receives or selects the new data item, and further characterized in that: the synchronization agent assigns to the new data item a category from among the first set of categories based on the category indicator and based on a

predetermined procedure (Section 2.3, explains how the indicator or LUID of syncML handles new data items)

9. With respect to claims 6,18,28 and 32 as applies to claims 5 and 17 above SyncML discloses the method, apparatus, system, and computer program product characterized in that: the synchronization agent stores the category indicator so as to be associated with the new data item and without changing the category indicator. (Section 2.3 paragraph 1 explains that the server which contains the synchronization agent knows which ID is which even though they can be the same for new items)

10. With respect to claims 2 and 14, SyncML as modified by Leenstra discloses all the limitations of claims 1 and 13 from which claims 2 and 14 depend.
SyncML fails to disclose a method and apparatus wherein the category indicator indicates all categories in a branch of the hierarchy of categories.

Leenstra teaches a method and apparatus wherein the category indicator indicates all categories in a branch of the hierarchy of categories.(Column 9 lines 45-50 of Leenstra explain that the relationships are immediately displayed).

It would have obvious to one of ordinary skill in the art at the time the invention was made to combine the synchronization of syncML with the indicator indicating the branch hierarchy of categories as taught by Leenstra.

The motivation for doing so would be to create an easier way to classify data into categories which will allow the computer have faster access to each data store.

11. With respect to claims 1 and 17, SyncML as modified by Leenstra discloses all the limitations of claims 1 and 17 from which claims 7 and 19 depend.

SyncML fails to disclose the method and apparatus of claims 7 and 19 wherein the category indicator is a string of categories beginning with a lowest-level category and leading to a top-level category, or vice versa.

Leenstra teaches a method and apparatus wherein the category indicator is a string of categories beginning with a lowest-level category and leading to a top-level category, or vice versa (Column 14 lines 42-45 explain delimiters as related to Fig. 4 of Leenstra which explains how + or – can determine hierarchy direction).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the synchronization of syncML with the path of the indicator as taught by Leenstra.

The motivation for doing so would be to maintain organization of the categories and increase the efficiency of synchronization.

12. With respect to claims 8,20,29 and 33 as applies to claims 7,19, and 20 above, SyncML discloses a method, apparatus, system, and computer program product further characterized in that the synchronizing agent searches the first set of categories for a category matching a category in the string of categories(section 1.3 explains slow sync).

SyncML fails to disclose a method, apparatus, system, and computer program product taking each category in the string of categories in turn, beginning with the lowest-level category, and providing as the assigned category the matching category in the first set of categories.

Leenstra teaches a method, apparatus, system, and computer program product taking each category in the string of categories in turn, beginning with the lowest-level category, and providing as the assigned category the matching category in the first set of categories (Column 14 lines 42-45 explain delimiters, Column 17 lines 1-10 explain the sequential storage of data sets).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the synchronization agent of SyncML with the category searching technique as taught by Leenstra.

The motivation for doing so would be to conserve memory space by preventing duplication of categories.

13. With respect to claims 7 and 19, SyncML discloses all the limitations of 7 and 19 from which claims 9 and 21 depend .

SyncML fails to disclose a method and apparatus of claims 9 and 21 further characterized in that the category indicator is a string of categories indicating a possibly partial branch of a harmonized category hierarchy

Leenstra teaches a method and apparatus of further characterized in that the category indicator is a string of categories indicating a possibly partial branch of a harmonized category hierarchy (Fig. 4 explains category indicator, column 8 lines 59-68 and column 9 lines 1-18 explain partial branching of categories and inversion).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the synchronization of syncML with the category indicator of Leenstra at the time the invention was made.

The motivation for doing so would be to easily detect and correct an imbalance between categories which could arise from disturbances that can affect the integrity of the system (column 8 lines 60-68 of Leenstra).

14. With respect to claims 10-11 and 22-23, SyncML discloses all the limitations of claims 9 and 19 from which claims 10-11 and 22-23 depend.

SyncML fails to disclose a method and apparatus of claims 10 and 22 as in claim 9, further characterized in that data indicating the harmonized category hierarchy are included as part of the device and also of claims 11 and 23 wherein the harmonized category hierarchy stored in a data store external to the device and accessible to the device and the device refers to the external data store from time to time so as to remain harmonized to the category hierarchy.

Leenstra teaches a method and apparatus of claims 10 and 22 as in claim 9, further characterized in that data indicating the harmonized category hierarchy are included as part of the device (column 9 lines 1-18 of Leenstra explains inversion). Leenstra also teaches a method and apparatus of claims 11 and 23 wherein the harmonized category hierarchy stored in a data store external to the device and accessible to the device and the device refers to the external data store from time to time so as to remain harmonized to the category hierarchy (Column 9 lines 56-63 of Leenstra explains data sets can be external, column 22 lines 10-15 explain the role of the DCM which handles the external management of data sets).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the synchronization of syncML with the harmonized

category hierarchy being part of the device and also stored as an external device as taught by Leenstra.

The motivation for doing so would be to constantly keep the categories updated, which creates reliability.

15. With respect to claims 12 and 24, SyncML discloses all the limitations of claims 7 and 19 from which claims 12 and 24 depend.

SyncML fails to disclose a method and apparatus of claims 12 and 24 further characterized in that the category indicator is a string of categories indicating a possibly partial branch of an express or implied category hierarchy of categories for organizing items in the second item data store.

Leenstra teaches a method and apparatus further characterized in that the category indicator is a string of categories indicating a possibly partial branch of an express or implied category hierarchy of categories for organizing items in the second item data store (Fig. 4 explains category indicator, column 8 lines 59-68, column 9 lines 1-18 explain partial branching of categories and inversion and column 16 lines 53-68 explain the implicit and explicit relationship of the data sets).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the synchronization of syncML with the category indicator as taught by Leenstra.

The motivation for doing so would be to systematize the categories to make them recognizable even if they are not explicitly stated.

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16. With respect to claim 25, SynML discloses the apparatus of claim 25 as applies to claim 13 above, further characterized in that the apparatus is selected from the set consisting of a mobile cellular phone, a personal digital assistant type of device, a laptop computing device, and a computer(Section 1.2 paragraphs 2 and 3, explains the type of devices that can be used).

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelly Bell whose telephone number is (571) 270-1143. The examiner can normally be reached on Monday through Thursday, 7:30-5pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Susy Tsang-Foster can be reached on 571-272-1293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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